

Appl. No. 10/085,468  
Amdt. dated May 20, 2003  
Reply to Office action of Feb. 20, 2003

### REMARKS/ARGUMENTS

Pages 2 through 10 of this Response to Office Action present the thirty-seven claims currently pending in the above-captioned application. This Response does not amend or cancel any of the pending claims. In addition, this Response adds no new claims. The pending claims are the same claims filed in the Preliminary Amendment of November 11, 2002. The Preliminary Amendment canceled claims 1-20 and added claims 21-57.

Since the claims remain unchanged and since this Response is being filed within the shortened three-month period for response, it is believed that no additional PTO fees have been generated. If it is determined, however, that additional fees are due in this application, the Commissioner is hereby authorized to charge Deposit Account No. 14-1190 in the amount of such fees.

Sections 1 and 2 of the Office Action reject claims 21-24, 26, 27, 29-35 and 57 under 35 U.S.C. 102(b) as being anticipated by Brekka et al. (U.S. Patent No. 4,377,741). For several reasons, Applicant respectfully disagrees with this determination. For example, claim 21 and each of the claims dependent thereon include "a keyboard, located on a user accessible surface of said housing, comprising a plurality of individual, user-depressible keys." As indicated by the inclusion of the term "said housing" in the second through sixth (last) clauses of the claim, the same housing also contains the screen input component, the optical information sensing component and the computerized data handling system. The keyboard of Brekka, however, is located on a housing (48, Fig. 5 of Brekka) that is distinct from the housing of the hand-held unit (10, Fig. 1 and Fig. 2 of Brekka). The Brekka housing (48, Fig. 5 of Brekka) containing a keyboard does not also house, for example, a screen input component or an optical information

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sensing component as required in the pending claims. Thus, Brekka does not anticipate claim 21.

By way of further example, claim 21 also includes a screen input component that is located distinctly from the keyboard. The "screen input component" term signifies a screen that accepts "input" rather than merely displaying visual information. The Brekka display (34, 38, Fig. 3 of Brekka) only displays information, it does not accept "input." The device of claims 21-45, however, includes both a keyboard input and a screen input.

By way of further demonstration of the patentability of the pending claims over Brekka, Applicant calls attention to the computerized data handling system of claims 21-45. Again, these claims include the computerized data handling system in the same housing containing the keyboard and the screen input component. Brekka, however, has its control system located in a unit (48, Fig. 5 of Brekka) that is separate from the handheld instrument (10, Fig. 1 of Brekka). In fact, the background section (col. 1, lines 45-61 of Brekka) and lines 1 through 12 of column 12 of Brekka teach away from the combination of pending claim 21.

Regarding claim 57, claim 57 includes a "means for inputting data via depressible keys, located on said means for providing a hand-held, portable housing." As indicated by the inclusion of the term "said means for providing a hand-held, portable housing" throughout the claim, the same "means for . . . housing" also contains the means for inputting data via a screen, the means for sensing optical information and the means for processing data. The keyboard of Brekka, however, is located on a housing (48, Fig. 5 of Brekka) that is distinct from the housing of the hand-held unit (10, Fig. 1 and Fig. 2 of Brekka). The Brekka housing (48, Fig. 5 of Brekka) containing a keyboard does not also house, for example, anything akin to a means for

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inputting data via a screen or to a means for sensing optical information as required in pending claim 57. Thus, Brekka does not anticipate claim 57.

By way of further example, claim 57 also includes a means for inputting data via a screen that is located distinctly from the means for inputting data via depressible keys. The language "means for inputting data via a screen" signifies a means that accepts "input." The Brekka display (34, 38, Fig. 3 of Brekka) is used only to display information and it performs no "input" function. The device of claim 57, however, includes both a means for inputting data via depressible keys and a means for inputting data via a screen.

By way of further demonstration of the patentability of the pending claim 57 over Brekka, Applicant calls attention to the means for processing data. Again, the claim includes the means for processing data in the same housing containing the means for inputting data via depressible keys and the means for inputting data via a screen. Brekka, however, has its control system located in a unit (48, Fig. 5 of Brekka) that is separate from the handheld instrument (10, Fig. 1 of Brekka). In fact, the background section (col. 1, lines 45-61 of Brekka) and lines 1 through 12 of column 12 of Brekka teach away from the combination of pending claim 57.

Regarding the rejection of claim 23, Brekka does not disclose a bar code scanner. It discloses only an optical "character" (letters or numbers) reader. The term "bar code" in claim 23 designates a device to read a code comprised of bars of differing reflectivity rather than letters or numbers. Thus, this claim is not anticipated by Brekka.

Regarding the rejection of claim 26, there is no disclosure in Brekka regarding locating an optical communication component so as to communicatively couple with a docking device. In addition, there is no argument in the Office Action that can be said to be sufficiently

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"analogous" to the content of claim 26 so as to support a rejection of claim 26. Thus, this claim is not anticipated by Brekka.

Regarding the rejection of claim 29, since the hand-held portion of Brekka does not include a screen "input" component, claim 29 is not anticipated thereby.

Regarding the rejection of claim 30, since the hand-held portion of Brekka does not include a keyboard, claim 30 is not anticipated thereby.

Regarding the rejection of claim 32, the Office Action states that Brekka discloses the inclusion of a RAM. Brekka, however, does not include a disclosure of the form ("information storage card") that memory would take. Further, a RAM would be a volatile-type memory whereas the claimed "information storage card" would require a non-volatile type of memory. Thus, Brekka does not anticipate an "information storage card" as claimed in claim 32.

Regarding the rejection of claim 33, there is no indication in Brekka that the cited component (108, Fig. 6A of Brekka) is removable. (Applicant cannot locate the "109" Figure 6 reference numeral that is mentioned in the Action.) Further, as noted above, a volatile-type memory would not work as an information storage card. Thus, this claim is not anticipated by Brekka.

Regarding the rejection of claim 34, Brekka does not disclose a "touch screen." A touch screen can accept input. The cited Brekka screens (34, 38, Fig. 3 of Brekka) only display information. Thus, this claim is not anticipated by Brekka.

Regarding the rejection of claim 35, Brekka does not disclose a keyboard and a screen input component on same hand-held housing. Thus, this claim is not anticipated by Brekka.

Sections 3 and 4 of the Office Action reject claims 25, 28 and 36-45 under 35 U.S.C. 103(a) as being unpatentable over Brekka et al. in view of Gombrich (U.S. Patent No.

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4,857,716). For the reasons expressed below, it is believed that these claims are patentable over the cited combination.

Regarding the rejection of claim 25, Brekka and Gombrich do not disclose the inclusion of an "optical communication component" (which is also the optical information sensing component, see claim 24) to enable wireless communication with a computerized device. Thus, this claim is not anticipated by the combination of Brekka and Gombrich.

Regarding the rejection of claim 28, Brekka teaches that components should be located in the non-handheld unit (48, Fig. 5 of Brekka) rather than in the handheld unit (10, Fig. 1 of Brekka). Thus, a combination of Brekka and Gombrich would not anticipate the content of claim 28.

Regarding the rejection of claim 36, Brekka and Gombrich do not disclose the inclusion of an "optical information sensing component" that can serve as both a wireless communication component and an optical indicia reader. No single component is disclosed in either reference that is capable of performing both tasks. Thus, this claim is not anticipated by the combination of Brekka and Gombrich.

Regarding the rejection of claim 37, please refer to the discussion of claims 33 and 36 above. It is believed that this claim is patentable over the cited combination of references.

Regarding the rejection of claim 38, please refer to the discussion of claims 24, 25 and 36 above. It is believed that this claim is patentable over the cited combination of references.

Regarding the rejection of claim 39, please refer to the discussion of claims 26 and 36 above. It is believed that this claim is patentable over the cited combination of references.

Regarding the rejection of claim 40, please refer to the discussion of claims 23 and 36 above. It is believed that this claim is patentable over the cited combination of references.

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Regarding the rejection of claim 41, please refer to the discussion of claims 27 and 36 above. It is believed that this claim is patentable over the cited combination of references.

Regarding the rejection of claim 42, please refer to the discussion of claims 27, 28 and 36 above. It is believed that this claim is patentable over the cited combination of references.

Regarding the rejection of claim 43, please refer to the discussion of claims 29 and 36 above. It is believed that this claim is patentable over the cited combination of references.

Regarding the rejection of claim 44, please refer to the discussion of claims 30 and 36 above. It is believed that this claim is patentable over the cited combination of references.

Regarding the rejection of claim 45, please refer to the discussion of claims 31 and 36 above. It is believed that this claim is patentable over the cited combination of references.

Section 5 of the Office Action rejects claims 34 and 46-56 under 35 U.S.C. 103(a) as being unpatentable over Brekka et al. in view of Gombrich and further in view of Sklarew (U.S. Patent No. 4,972,496). First, as was noted in the Remarks section of the prior filed Preliminary Amendment, claim 46 is supported in parent Application No. 06/897,547. That application has a filing date ahead of the March 24, 1987, filing date of Sklarew. Thus, since Sklarew is apparently a continuation-in-part of its parent application, it has not been established that Sklarew is ahead of claim 46. For this reason and for the additional reasons expressed below, it is believed that these claims are patentable over the cited combination.

Regarding the rejection of claim 34, it is believed that the inclusion of this claim in section 5 of the Office Action is a typographical error. There is no specific discussion of claim 34 in section 5. In addition, claim 34 was also rejected in section 2 of the Office Action.

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Regarding the rejection of claim 46, the references of the cited combination do not disclose the inclusion of an array of depressible keys, a screen input system and an optical information sensing component all on the same apparatus.

Regarding the rejection of claim 47, please refer to the discussion of claim 46 above. It is believed that this claim is patentable over the cited combination.

Regarding the rejection of claim 48, please refer to the discussion of claims 23 and 46 above. It is believed that this claim is patentable over the cited combination.

Regarding the rejection of claim 49, please refer to the discussion of claims 24, 25 and 46 above. It is believed that this claim is patentable over the cited combination.

Regarding the rejection of claim 50, please refer to the discussion of claims 21, 29 and 46 above. It is believed that this claim is patentable over the cited combination.

Regarding the rejection of claim 51, please refer to the discussion of claims 21, 30 and 46 above. It is believed that this claim is patentable over the cited combination.

Regarding the rejection of claim 52, please refer to the discussion of claims 21, 31 and 46 above. It is believed that this claim is patentable over the cited combination.

Regarding the rejection of claim 53, please refer to the discussion of claims 32, 33 and 46 above. It is believed that this claim is patentable over the cited combination.

Regarding the rejection of claim 54, please refer to the discussion of claims 34 and 46 above. It is believed that this claim is patentable over the cited combination.

Regarding the rejection of claim 55, please refer to the discussion of claims 35 and 46 above. It is believed that this claim is patentable over the cited combination.

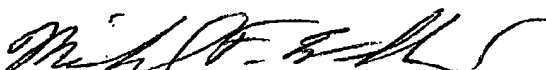
Regarding the rejection of claim 56, please refer to the discussion of claims 27 and 46 above. It is believed that this claim is patentable over the cited combination.

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Applicant believes that the application is in condition for examination. Consideration and allowance of the pending claims is respectfully requested.

Respectfully Submitted,

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